App. F. IX-4

1911
1921 (begins)

File No. 38-11

Previous References

Serial Nos. 1-3

Later References

(P-89)

Mug 99-35-1 to 2

Mug 175-35-1 to 2

Mug Sep 315-35

General and Revenue Secretariat.

Serial Nos. A Collection

Manuscript ~~Part B~~ for October 1913

SUBJECT

Mr Mysore Mujrai Regulation

15/8/17

Pvt

(10)

G.R.S. 11] 1911-12

GENERAL AND REVENUE SECRETARIAT.

(Legis.)

NOTES.

File No. 38-11

Mysore FILE HEADING.

The Muzrai Regulation

From

No. Dated Received

Diary No	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

P.T.O.

GPB—30,000—12-8-11

G.R.S. 12]
General and Revenue Secretariat.

L File No. 34 of 1912

Serial No.

Chief Secy.

Please go through the draft
which I keep that I have framed
and let me know if there are
any other matters which have
been noted or which deserve to
be included. I hand this back
in accordance to

4/2/12

2. The question of legislation about Muzrai matters arose, so far as the records shew, in connection with the four files noted below :-

(1) Muz.F. 73 of 1896 Kaniyur Anajaneya Temple

(2) " 52 1897 Sugganahalli Narasimhaswami Temple

(3) " 62 1901 Kasi Visveswaraswami Temple at Magadi endowed with the inam village Sujikuppe.

(4) " 41 1903 Bungalow Chowdayya's Chattram at Paschimavahini

2) The Kaniyur case refers to the recovery of a house belonging to a Temple and wrongfully alienated by the Pujari.

The Sugganahalii file refers to the recovery by summary process of a higher rent from a kadim

NOTE—Contn. sheet.

GPB—55,000—27-4-09

kadaim tenant of a temple Inam land.

These questions were under the orders of His Highness discussed in council on 8th. Sept. 1903 and later the Councillors were also asked to furnish their opinions. All said that a regular suit was necessary. The files were, however, not submitted to His Highness till March 1906.

In the meantime the Seegekuppe case (File No. 62-1901) was submitted to Dewan for orders. In this case a personal Inam had been made over by the owner to a temple which he had --- built; at the Inam Settlement this was noticed but the Inam was confirmed as personal; and later the Donor's descendants alienated the land and the alinee refused to give it back to the temple.

4 Mr. L. Anantasami Rao on 9th. Jany. 06 noted thus

Hundreds of cases of such private charities are in existence in the State and, unless something is done by Govt. for their continuance as efficient private charities, it is likely that all such charities will disappear in course of time. No doubt Section 539 of the Civil Procedure Code provides that in cases of misappropriation &ca., of religious endowments or charities, either the Deputy Commissioner or any two or more persons interetsed may proceed to Court. But in most instances, the Dy. Commissioner will probably not have the time or the means to proceed to Court in such cases and it will be found that there are no individual persons so interested in the charity and that even if there are such, they may be unable to bear the cost of the necessary

Serial No.

necessary civil litigation. It seems necessary, therefore in a Native State like Mysore, to efficiently provide in a manner similar to the alienation Rules of 1877, for the permanent continuance of the endowments made by private individuals for religious and charitable purposes by means of separate legislation if necessary.

I am of the humble opinion that this and other similar cases may wait for such legislation which may, if approved, be taken up at an early date.

5. The Dewan on 17th. Jany. 1906 ordered thus :-

"Government cannot certainly interfere now and I am not prepared to sanction any litigation on this account. If the Secretary submits a draft Regulation as he proposes I shall be glad to consider it

6. Mr. L. Anantasami Rao noted the following remark on this file and kept it by without issuing any orders :-

Let this matter wait for the coming legislation. No reply need now be given."

7. This shows that legislation was thought of then. It is not clear what steps were taken.

8. As stated above the Kaniyur and Suggan halli files were submitted to His Highness on 16th. March 1906 with the following note :-

" In this connection, I beg to state that notwithstanding the ruling given by the Chief Commissioner in 1873, summary processes appear to have been adopted in subsequent years in cases of the kind now under notice.

In

In the days of Tippu Sultan and Krishnaraja Wodeyar III, as well as in the early years of the British administration, when the differentiation between revenue and judicial processes had not been as mark -ed as it became in later years, reference to Court does not seem to have been the rule. In any case, ~~a speedier and less costly method of dealing with such cases is highly desirable~~; if the endowments of the temples are to be conserved against the greed of unscrupulous persons into whose hands the properties may happen to go. If approved by His Highness, this aspect of the question will be taken up for consideration in the Legislative Branch and ~~a draft Regulation prepared, if found advisable.~~"

9. On return by His Highness these files were transferred to the Legislative Branch for taking needful action about legislation. This Branch wanted a digest of the existing law in order to enable the preparation of a draft Regulation.

10. Soon after Chowdavva's Chattram file (No. 41 of 1903) was submitted on 20th April 06 to the Second Councillor for orders, he ordered that the Deputy Secretary might be consulted in the matter.

10. The Deputy Secretary noted thus :-

"In my opinion, if legislation is wanted, something less complicated and more comprehensive than either of the above, and applicable to all classess of Institutions, public and private, religious and charitable should be adopted."

12. The file was again submitted to Dewan through

through the Second Councillor with a note in which Mr. Anantasami Rao said thus :-

"X X X I am preparing a draft of a Regulation not only in connection with the present question but also as regards the many other Muzrai matters which seem to require legislative action."

13 The Dewan on 3rd. August 1907 ordered thus :-

"He may be asked to consult the legislation adopted in Travancore for the management of religious and charitable endowments."

14 The Travancore Government does not appear to have been consulted.

15 When the file came to my hands I made an attempt to get up the digest or collection of the important orders required by Branch III and submitted my note of 3rd. November 1909 wherein I referred to two other matters that required consideration.

16 These are the alienation of a portion of the compound of a Makkan and the inapplicability at present of the alienation rules of 1877.

These are dealt with in Files Nos. 116 of 1908 and 678 of 1908.

17 I have further from time to time been making a note of important Muzrai matters with a view to take up matters that have not been dealt with already and (2) as regards matters already dealt with to get a Muzrai Manual of collection of standing orders of Government prepared.

18 The following are the headings that I

GPB—55,000—27-4-09

Serial No.

(27) Acquisition of lands for temples 9

(28) Acquisition of land for Chattrams.

19. When the legislation file was returned to me in September 1910, I had gained further experience and then made a note that legislation was required on the following points only

(a) The gutta of lands to be recoverable as arrears of land revenue

(b) Facilities for Government assuming the management of charities founded by private persons

(c) Power to resume alienated Inams and manage mismanaged institutions

(d) Devadaya Inams not to be proceeded against in execution of decrees

Civil Courts to grant no decrees about Deva-daya lands.

(In the new Civil Procedure Code provision has been made for not attaching Devadaya Inams)

(e) Rights of Pujaries and other hereditary or other servants enjoying a cash remuneration or in land not cognizable by Civil Courts

(f) In execution of our orders and decrees we must have powers to dispossess parties.

20. Subsequently two other matters came up for consideration, viz., the annoy. of Amildars trying regular muzrai suits and the desirability of following the Village Offices Regulation and excluding women from temple hereditary service. these

are

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

1 are dealt with in Files Nos. 254 and 140 of 1911.

21 Of the points referred to above those marked 1, 10, 12, 13, 16, 17, a, b, c, e and f are dealt with in the proposed draft.

It is not quite clear if for non-payment of gutta we may dispossess a lessee. This power is also necessaey. 2

The points referred to in para above do not appear to have been fully dealt with.

22 As regards Hereditary Muzrai offices it is my humble opinion that we may adopt the provisons of the Village Offices Regulation and make sex a bar to the office. Perhaps a regular muzrai suit may also be allowed provided that when an order is passed by Government in the miscellaneous side no regular suit should be entertained without the express sanction of Government

I am not quite sure if the points at issue in the Kaniyur, Sugganahalli and Sydani Makkan file have been fully dealt with. On the whole the Suggan-halli case does not appear to be very important.

Perhaps the provisions about the recovery of gutta and dispossession of lessees applies to house-property and the provisions about alienations of land apply to alienations of temple or Makkan compound also.

23 I would beg leave to urge something about the 12 yreas' limitation as regards alienations. The late Sir V. Bhasyam Iyengar in his judgment in Vidyapurna Thirtha Swami Vs Vidyanidhi Thirtha Swam (I.L.R. XXVI-I Madras page 435 at page 462) has pleaded for a limitation of 60 years in such cases.

NOTE— Contn. sheet.

I

GPB—50,000—12-8-10

Serial No.

I would urge the adoption of this period or something much more than 12 years seeing that the alienation rules of 1877 permitted the setting aside of alienations within 50 years.

Submitted to Secy Council

Ahmadnagar

13/2/1912

26 I have drawn up the Alienation Regulation draft mainly as an original measure, as there is ~~not~~ no enactment in Br. India or elsewhere which I could refer to. The scope of the provisions is sufficiently explained in the Statement of Objects & Reasons. Of course the measure is one which would call forth a considerable amount of criticism and perhaps opposition. It may be considered at an early meeting of Council whether it may be placed before the Legs

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Legislative File No. 38 of 1911-12

Serial No.

Council.

18/3/12

Dewan 25

Please distribute typewritten copies of the Report with statement of objects reasons & Notes on clauses to Councillors & me & bring the subject to Council meeting a week after such distribution.

B v (1)

26 Please get the copies ready & return file to Council Section.

10/4/12

27 This should be regarded as very important. Shanmugam will please see once again — when the typing is going on — that the figures in clauses in "Notes on clauses" in the Statement of Objects & Reasons are all right.

Compared and found correct 11/4/12

To the Typing Section for typing 18/4/12

3 spaces in one side of the page.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]

General and Revenue Secretariat.

Legn File No. 38 of 191

Serial No.	
	Submitted with typed copies of the bill with the statement of objects and reasons, as well as the notes on clauses, to be placed before the Dewan & Councillors.
	CRD SW(11) 115 13.4.12 16/4/12 28 Submit a copy separately to ~~Each~~ the Councillors and the Dewan.
	The file is lent to the 2nd Cr who has not yet seen it.
	SH 16/4/12
	29 Seen 15/4 SH
	30 To the Council Section SH 16/4/12
1859 17-6-12	31 Submitted to Dewan with copy of Council resolution. 23 16/8/12

A spare copy of the draft Regln & Statement of Objects & Reasons have been retained by 2nd Cr. SW(SW) 15.4.12

NOTE—Contn. sheet.

GPB—20,000—20-1-12

No C. 272.
17. 4. 12.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Draft Nuzrae Regulation.

CIRCULATED TO COUNCILLORS.

By Order,

17th April 1912.

C S Balasundaramayer
Offg. Secretary to Government.

First Councillor. Opinion recorded.

Second Councillor.

13

Extract from the Proceedings of the 277th Meeting of the Council of His Highness the Maharaja, held at Mysore on the 6th, 7th & 8th ~~19th~~ June 1912.

---

32. 13. Subject.-(Clause ii of the Schedule).

The draft Muzrai Regulation.

Opinion of the Council.

The draft Regulation may be placed before the Legislative Council for further action.

Sd/- T. Ananda Row.
Dewan of Mysore.

"E x t r a c t"

Offg. Secretary to Government.

Submitted to His Highness.

33 I submit for the information and gracious perusal of His Highness the draft of a Muzrai Regulation with a statement of objects and reasons.

"Draft for approval."

2. The Council is of opinion that the draft Regulation may be placed before the Legislative Council for further action. If the draft is approved by His Highness further action will be taken.

N.

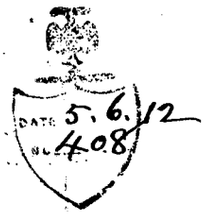
ks

T. Chandrasekhara
3/IX/32

15

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.



Draft Muzrai Regulation.

55

Order.

24 Approved

~~KRW~~

8/7/12

35

37

10/7/12

9/7/12

39 Please put up draft

Yes

G. R. S. 12]

General and Revenue Secretariat.

Leg. File No. 38 of 1911

Serial No.

40.

Submitted with a draft to the Regd.

(S8) SW(11)
15/7/12

41 Please make a fair copy

As Corrected

15/7/12

Typ.
42

A fair copy of the draft as corrected is herewith submitted

(S8) SW(11)
16/7/12

43 As the Statement of objects and reasons is sufficiently full, a brief letter to Regd (as usual) is put up for approval.

16/7/12

193.

(Mr Dewan)

17/7/12

17/7/12

NOTE—Contn. sheet.

GPB—20,000—20-1-12.

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 38 of 1911-12

Serial No.	
1	No. S.O. 684 dated 2/8/12 from the Resident in Mysore to the Hon'ble the Forwards a copy of the Muzrai Bill with the statement of objects and Reasons and informs that the same would be laid before the Legis. council in due course.
2	S.O. No 474 dated 16th August 1912 from the J.A. Resident in Mysore Acknowledges with thanks the receipt of the copy of Muzrai Bill. Submitted S.S. SN(11) 17/8/12 19/8/12 49 Subd to Govt for perusal. Will be noted for next meeting. 19/8/12 SO If we are not likely to have a meeting before the next Dasara I should like to have

NOTE—Contn. sheet.

GPB—20,000—20-1-12

R. S. 12]

General and Revenue Secretariat.

File No. 38 of 1911-12

Serial No.

this bill published with the Dewan's special dispensation under the Rules.

Rule 32 ✓

20/8/12

21/8.

21/8/12

51 - [a meeting may perhaps be held before the Durbar - we are waiting for the opinion of the N. M. Planters' Ass on the Emigration Bill - a reminder has been issued]

3013
22-8-12

Subd to Dewan

21/8/12

The Bill may be published at once

GPR—61,000—17-6-12.

Publication under Rule 32 of the Legislative Council Rules (with Notification) L.C. 8/9/12)

J 467-12

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 38 of 1911-12

Serial No.

slight amendments. A copy of the Bill as finally passed is herewith put up for signature of the Dewan after obtaining the assent of His Highness thereto

(48)
2/10/13

Flag N

Subm^d with a Sudras draft Subm^n note indicating the important changes made by the Select Committee

Dr Sec^y
(1st Councillor)

SPR
2/10
Draft & Note
9/10 SPR

A "final note" by the First Councillor is herewith put up and submitted.

DR S
4.10.13.

Dewan

5/10

c. 5651
5/7.10.13

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

Final Note by the First Councillor.

Subject: — The Draft Muzrai Regulation.

The Mysore Muzrai Bill was, with the sanction accorded by His Highness on 8th July 1912, introduced into the Legislative Council on 4th April 1913. The Bill was referred to a Select Committee by whom it was thoroughly discussed. The important alterations recommended by the Select Committee are as follow:-

(1) The Bill as originally framed gave power to Government to take cognizance of complaints about gross dereliction, by a -- Mathadipathi, of the Dharma of his Asrama. The cases intended to be included under this category were of such a serious character as to substantially lower a Mathadipathi's exalted position in the eyes of the world. It was, however, felt by the majority of the Select Committee that the subject was one of peculiar delicacy and so far removed from the ordinary sphere of -- Government that it should be left to be dealt with by the disciples of the Matha. This clause has accordingly been removed from the Bill.

(2) In dealing with enquiries about mismanagement of these institutions it was considered more in keeping with the status of these institutions that the enquiry should always be held by a special tribunal and, accordingly, the distinction between major and minor institutions has been removed in Clause 26.

(3) One of the sub-clauses of Clause 28 was to the effect that Government may take such steps as are in accordance with law or usage to appoint a proper Mathadipathi. Though it was not the intention of this clause to introduce any innovation into the method of electing Mathadipathies, the clause has been omitted as the -- provision was widely misunderstood.

The Bill, as amended by the Select Committee, was finally passed by the Legislative Council in the meeting held on the 15th September 1913.

The gracious sanction of His Highness for its promulgation as law may be granted.

3rd Oct 1913 H. Manjunathaiya

Submitted to His. Highness.

I submit herewith a "Final Note" by the First Councillor regarding the draft Muzrai Regulation.

2. I solicit His Highness's sanction to the promulgation of the Bill into Law.

M. Venkayya -
8th Oct. 1913.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Promulgation of the Mysore Muzrai Bill into Law.

Order.

~~KRM~~

11/10/13

Secretary

12.10.13 R.G

B 11/10

13/10 Draft soon at once Spt 14/10

~~Revis 122-11~~
J2467

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 38 of 1911-12

Serial No.	
	Submitted with a draft order
	(48) 18/10/13
	Issue. Let me see proof
	SPR 18/10
3.	To the Compiler, Mysore Gazette, no T-1234 dt. 21-10-13
	Orders the publication of the Musgarai Regn. as Regn VI of 1913.
	The proofs were seen by the Asst Secy.
	Spare copies of the Regn have been received as also of the Excise Regn. amendment & Village Courts Regn. A draft forwarding 10 copies of each is put in the bills relating to the last. After issue a note will be made in this file
	14/11/13 14/11/13
	SPR 14/11
	Copies sent to the Residency with Letter No Pol. 376 dt 18/11/13
	Legis 26-10-11

NOTE—Contn. sheet.

GPB—60,000—25-9-13.

G.R.S. 26]

Legis

File No. 38- 1/

Draft D.O.

Serial No. 1

29

Diary No. of letter replied to

D. O. No. 684/Eur

No.

Bangalore

2nd August 19

General and Revenue Secretariat

( )

, the *19* .

Date of issue

Signed by

To

My Dear Sir

I enclose herewith copy of a Bill with a statement of Objects and reasons to consolidate and amend the law relating to Muzrai Institutions and to provide for certain remedies in respect of religious and charitable endowments in the State.

The need for such legislation has long been

over.

SUBJECT.

fell in the State and the Durbar consider that action should be taken to protect such institutions and endowments from mismanagement and consequent decay. The nature and scope of the measure is fully explained in the Statement of Objects and Reasons. The Bill will be laid before the Legis. council in due course.

I am

yours

(Dewan)

To

The Honble Col. Sir Hugh Daly K.C.S.I.

Resident in Mysore, Bangalore.

List of enclosures,

Copied by KR 29/7/12

Examined by 29/7/12

GPB—20,000—23-9-10

D. O. No. 2824

D.O. No. 4441

THE MYSORE RESIDENCY,

Bangalore, 16th August 1912.

DIARY No. 1467

1912-13

SECTION Legislation

FILE No. 38-11

SERIAL No. 2

My dear Dewan Sahib

I am desired to acknowledge, with thanks, the receipt of your D.O. letter No. 684 dated the 2nd August 1912, forwarding the draft of a Bill to -- consolidate and amend the law relating to Muzrai Institutions in the Mysore State.

Yours Sincerely

M B Warburton

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

Mysore

The Muzrai Bill.

~~MUZRAI REGULATION~~

Preamble

Whereas it is expedient to consolidate and amend the law relating to Muzarai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja ~~of Mysore~~ is pleased to enact as follows:-

Short title & Extent

1. (1) This Regulation shall be called the Mysore Muzarai Regulation; and shall come into force from

(2) It extends to the whole of Mysore.

Definitions

2. (1) "Muzarai Institution" shall mean and include, —

(1) every temple, mosque, or other place of worship or religious service, any Chatra or house of feeding or rest for travellers without charge, or other institution of a religious and charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public ~~seven~~ revenues, or an inam has been granted and is recognised and registered at the Inam

settlement as a devadaya grant;

(~~1~~ 2) every institution of a religious or charitable nature which under the provisions of this Regulation has been taken under the sole management of Government, so long as it remains under such management.

(~~2~~ 1). "Muzrai Oficer" shall mean the Deputy Commissioner of the district in which the whole or any part of the property of a religious or Charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

3. Government ~~in the Muzarai Department~~ may undertake the management of a religious or charitable trust (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in charge of the institution all expire or disclaim; (3) when there is a breach of trust, or gross and persistent mismanagement or misapplication of the trust property; ~~or~~ (4) when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or (5) when sole ~~beneficiary~~ beneficiary or all the surviving beneficiaries voluntarily

~~xxxxxxxxx~~ voluntarily agree to transfer possession and management.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Muzarai Officer may make a reference to the ~~Court~~ the Court of ~~a~~ District Judge in whose jurisdiction the greater part of the institution or property is situated.

Reference by the Muzarai Officer to District Judge in Cases of dispute

5. The letter of reference shall be registered and disposed of as a suit between the Muzarai Officer as Plaintiff and the parties in possession of the property or opposing the contention of the Muzarai Officer as defendants, ~~and the decree shall be subject to appeal and revision as in an ordinary Civil suit.~~

Disposal of the Reference

C.P.C. provisions applicable

6. Instead of himself making the reference, the Muzarai Officer may authorize any one or more persons to file a suit under the provisions of Section 92 of the Code of Civil Procedure.

Authorisation of persons to file Suit under Sec 92 of the C.P.C.

Award and apportionment of Costs.

7. In disposing of suits and references under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute, Provided that no Court Fees shall be charged in respect of proceedings following on a reference under Section 4.

Enquiry regarding mismanagement of the property of a religious or Charitable institution

8. When it is brought to the notice of the Muzrai Officer that the property of a religious or charitable institution dedicated for the benefit of the public or a defined section of the public is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

9. If the allegations of gross and persistent mismanagement of the - - - institution or of any property pertaining

Order by Muzrai officer in such cases.

thereto, or of any ~~property~~ misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof are proved, the Muzrai officer may order

(1) that the institution may be taken under the management of Government;

(2) that property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;

(3) that security may be given for the proper performance of the trust or management of the property;

(4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may

require in accordance with justice and equity.

10 ~~10.~~ Where the whole or part of the objects of a charitable or religious trust has failed, the Muzrai officer may, subject to such general rules after notification in the official Gazette and hearing such parties as may appear in ~~a formal~~ an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

or special orders as Govt. may from time to time,

Failure of the object of trust.

10 ~~11.~~ Where property belonging to a religious or charitable institution has been wrongfully alienated by way of sale, barter, mortgage lease or otherwise within three years before the dispute, the Muzrai officer may, after giving notice to the alienee and holding a summary enquiry (in accordance with the provisions of the Mysore

Procedure in Cases of wrongful alienation of property belonging to a religious or Charitable institution.

Land Revenue Code), ~~after giving notice~~

to ~~the alienee~~, direct that possession be

restored to the institution or that ---

Government assume possession thereof on

behalf of the institution.

P T O

Suit ~~if~~ by a person aggrieved by an order passed under Secs 9, 10 & 11

(2) Any person against whom an order has been passed under Sections 9 and 10 directing dispossession or recovery of possession of property or any person who is aggrieved by an order of the Muzrai officer passed under Section 11 may within six months file a suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate for cancellation of such order making the Muzrai Officer one of the defendants.

If no such suit ~~if~~ has been filed or if it has been dismissed by the ~~District Judge,~~ Court the Muzrai Officer may after the lapse of six months from the date of his original order, execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

Provided that in cases in which the property to be disposed of under Section ~~10~~ 11 exceeds three thousand rupees in value or the annual income is more than 300 rupees in value, the sanction of Govern-ment shall have been obtained for the order;

maintenance of accounts by persons in charge of religious or charitable institutions

13. Government shall have power to make rules directing that persons in charge of charitable or religious institutions shall keep regular accounts of income and expenditure, and submit such returns, and supply such information as may be required in accordance with such rules, and may by said rules prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

wrongful alienation of inams granted for the upkeep of religious or charitable institutions

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the Muzaraat Officer may direct that the property may be resumed and re-transferred to the institution for whose benefit the inam was intended, or cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code ~~(and Revenue Rules)~~, or cancel the tenure and direct the assessment recover-

recovered to be handed over for the benefit ~~of~~ of the original institution:

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

(1) Note - 12 yrs Ct.
(2) No Suit to Contest.

15. Government may appoint Dharmadarsis to manage the affairs of charitable and religious institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business ~~of~~ among them.

Appointment of Dharmadarsis

16. Government may ~~also~~ invest Dharmadarsis with the powers, functions and responsibilities of a corporate person, including power to hold and dispose of property and to sue and be sued.

Investment of Dharmadarsis with the powers of Corporate person

17. Government may also appoint a Committee of persons chosen [illegible] with such powers of management and supervision as may be prescribed by rules over one or more religious or charitable institutions

Appointment of Committees. With powers of management

~~allowed by this Regulation.~~

Investment of trust money

C. ~~37.~~ It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable Institution under section 15, 16 & 17 ..../. or for Government when it manages such an Institution to invest money belonging to the institution and not required for immediate use in any of the following securities, Viz: (a) In promissory Notes, debentures, stock or other securities of the Government of India; (b) In stock or debentures of, or shares in, Railway or other companies on which the interest ~~thereon~~ shall have been guaranteed by the Government of Mysore; (c) On a first mortgage of immovable property situate in Mysore; provided that the property is not ~~such~~ a leasehold for a term of years and that the value of the property exceeds by one half, or if it consists of buildings, exceeds by three fourths, the mortgage money; or (d) On any other security expressly authorised by the instrument of trust.

stored by this Regulation.

37. It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable Institution under section or for Government when manages such an Institution to invest money belong to it and not required for immediate use in any of the following securities viz (a) In promissory Notes, debentures, stock or other securities of the Government of India (b) In stock or debentures of, or shares in, railway or other companies the interest thereon shall have been guaranteed by the Government of Ajmere; (c) On a first mortgage of immovable property situate in Ajmere; provided that the property is not held on a leasehold for a term of years and that the value of the property exceeds by one half, or it consists of buildings, exceeds by three fourths, the mortgage money; or (d) On any security expressly authorised by the Instrument of trust.

Recovery of arrears of rent or revenue due to Muzrai institutions

19. Arrears of rent or revenue due to from tenants in respect of property belonging to a Muzrai Institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

Procedure when property is situated in more districts than one.

20 When the property of any religious or charitable institution is situated in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in whose District any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognisance of the whole matter.

Appeals from orders of Muzrai officer and revision.

21. Every order passed by a Muzrai officer which is not liable to be set aside by a suit filed under any of th

provisions of this Regulation shall be subject to an appeal to Govee nment in the same manner and subject to the same limitations as appeals lying to Government in cases under the Land Revenue Code and every decree or order passed by a Muzrai Officer may be similarly revised by Government.

Saving of suits under Section 92 of C.P.C.

22. Any order passed under this Regulation or the rules framed thereunder by a Muzrai officer or the Muzrai Department of Government shall not bar a suit ~~filed~~ under the provisions of Section 92 of the Code of Civil Procedure.

cases of doubt, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognizance of the whole matter.

23. The foregoing provisions shall not apply to Mathas which are in the possession of Mathadipathis entitled by law or general or particular usage to exercise powers of management or ownership.

24. Government may take over the management and possession of the property of any Matha or other institution of a similar nature(1) when the Mathadhipathi volantarily applies for such help and places the institution or its property under the management of Government,(2) when the Mathadhipati is dead or has left the country and has not been heard of for more than seven years,and has not made legal -- and satisfactory arrangement for the carrying on of the ordinary business of the institution,and there is no

successor

successor duly appointed according to the rules applicable to succession to the office; or (3) when the Mathadhipati is a minor without a legally appointed guardian, fit and willing to act as such; or (4) when it is proved that the Mathadhipati has been grossly mismanging the property or habitually alienating the greater bulk of it for enriching his bodily relations or for other improper purposes; or that he is habitually neglectful of and grossly indifferent to, the duties and --- responsibilities of his Asrama.

25. Whenever a complaint is made by at least half the number of householders or in cases in which the Matha has a large following, by at least a hundred house-holders subject to its jurisdiction as disciples, of any mismanagement or neglect referred to in the last clause of the previous section, Government may order an enquiry to be held.

Authority before whom the Enquiry is to be held.

26. In the case of such instructions as are classed as major Mathas by Government, the enquiry shall be before a Committee of not less than three members appointed by Government and, in other cases, by the Deputy Commissioner.

Execution of Orders passed

27. When the decision of the Committe appointed or of the Deputy Commissioner has been approved by Government, it may be carried out by the Deputy Commissioner of the District in which the institution or the greater part of the property is situated.

Mode of enquiry regd to in Secs 8, 11, 25 & 26

~~35~~ 34 ~~28~~ 35 28. The enquiry referred to in sections 8, ~~10~~, and 26 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai officer or a other person or persons holding the enquiry shall have all the powers of a Revenue Officer empowered to conduct such formal enquiry.

28. ~~29.~~ Where any Matha or other similar institution

Dupcate

5406

G. R. S. 70]

Government of H. H. the Maharaja of Mysore.

GEN. & REV. SECRETARIAT.

REQUISITION FOR PAPERS.

Section

A

B

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Deposit

File No.

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Signature

Branch

Section

Date

GPB—30,000—9-10-14

G.R.S. [III—3]

Routine Notes.

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There is/formerly was a copy ~~in the~~ of the collection in the Records. But the original manuscript copy of the file is found in the Records. As the collection is necessary for working up the Naturalized Law's Bills to Repeal S. 17 of the Mineral Regulation, the original collection may be. Cashier to the Secretary

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G.R.S. III—3]

Routine Notes.

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The Collection
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Regs. 13-11. 85 (1-19. The
file seems to have been
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Section

Date 5.5.36.

WD 01962—GPB—150 books of 100 pages each—3-8-34

to the Surgeon
Regulation for a
few minutes
424
5.5.36.
D No 3450 in the
management of

institution has come under the management of Government, Government may take such steps as are in accordance with law or usage (1) to appoint a proper Mathadhipati and (2) to fulfil the indispensable functions of the institution till a proper Mathadhipati is nominated in accordance with usage.

Appointment of Mathadhipathi by Govt.

29 ~~30~~. When property of a Matha has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed Mathadhipati in possession; and may make and carry out a scheme either directly by Officers appointed or by a Committee constituted for the purpose.

Powers of Govt in regard to management of a Matha

30. ~~31~~. Government shall also have full power to dispose of the income of the institution as long as it is under its management(after making due provision for the maintenance of the Mathadhipati for carrying on Puja services in temples

Disposal of income of Matha.

and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said Matha.

Enquiry into claims to the office of a Pujari or other servant of a Muzrai institution.

31 ~~32~~. When there is a dispute about the office of a Pujari or other servant of a Muzrai Institution which by law or usage descends by hereditary right, the Amildar of the Taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Decision by D.C. or Asst Commr.

32 ~~33~~. The Deputy Commissioner or an Assistant Commissioner to whom the record may be referred by the Deputy Commissioner, shall, after reading the record of enquiry by the Amildar and hearing the parties interested, pass a decision on the merits of the case.

33 ~~34~~. In the absence of proof to the contrary, no temple office or service in a Muzrai institution shall be deemed

deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

No office or service in a Muzrai institution to be hereditary, except under certain circumstances.

Appointment of a Pujari or other officer in a Muzrai Institution.

34. Where there is no claimant entitled to succeed to the office of a Pujari or other office in a Muzrai Institution, the appointment shall be made by the Deputy Commissioner in cases of temples under the direct management of the Muzrai Department, or in cases of other temples by the devotees of the temple living in its vicinity under such rules as may from time to time be made by Government.

Sections 8.11.3
referred to in
Mode of enquiry

35. The enquiry referred to in Sections 8.11.25 and 26 shall be conducted in the manner prescribed for a formal enquiry under the Kerala Land Revenue Code, after issue of notices to the parties interested and the Mineral Officer or other person authorised by him in this behalf. Save as aforesaid, the Mineral Officer or other person conducting the enquiry shall have all the powers of a Revenue Court for the purpose of taking evidence on oath, enforcing the attendance of witnesses and compelling the production of documents and material objects.

Appointment of a Tahsildar or other officer in a Mineral Institution.

36. Where there is no claimant entitled to succeed to the office of a Pujari or other office in a Mineral Institution, the appointment shall be made by the Deputy Commissioner in cases of temples under the direct management of the Mineral Department, or in cases of other temples by the devotees of the temple living in its vicinity under such rules as may from time to time be made by Government.

Succession to office or service in a Mineral Institution.

37. Where there is no claimant entitled to succession in the legal course by 3 generations of the same family in accordance with the authority or has been held successive vacancies obligation in writing by a person it was been conferred originally with such to descend by hereditary right unless

Removal of a Pujari at the instance of Bhaktas

35. Where a majority of not less than three fourths of the inhabitants of a village or other unit, being Bhaktas of a temple, object to the claim by hereditary right of a person to the office of Pujari of the temple, such person shall be set aside either for life or altogether, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

Mode of enquiry referred to in Sections 8, 11, 25 and 26.

36. The enquiry referred to in Sections 8, 11, 25 and 26 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding the enquiry shall have all the powers of a Revenue Officer empowered to conduct such formal enquiry.

Bar of Jurisdiction of civil Courts in cases falling under the Regulation.

37. ~~35.~~ In all matters in which a Muzrai Officer or the Muzrai Department of Government has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

Mode of enquiry
referred to in
Sections 8, 11,
25 and 26.

of a Revenue Officer empowered to conduct such a formal enquiry.

holding the enquiry shall have all the powers of a Revenue Officer or other person or persons invested with the powers of a Revenue Officer under the Tamil Nadu Revenue Code, after issue of notices to the parties interested and the Inquiry Officer, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Inquiry Officer.

26. The enquiry referred to in Sections 8, 11, 25, 25 and 26 shall be conducted in the manner prescribed for a formal enquiry under

to the claim by hereditary right of a person to the office of Muniff of the temple, whether person ought be set aside either for life or otherwise, provided that the objectors pay

27. Where a portion of any land from which

Serial No.

Statement of Objects and Reasons.

The question of devising means for the better management of religious and Charitable institutions in the State has been engaging the attention of Govt for some time past. The State Musroi Department has under its Control all institutions which enjoy an Endowment in any form from the Govt. But there are besides numerous institutions which have sprung up as the result of private Charity but over which Govt can not at present Exercise any powers of Control. Nor is it quite desirable that institutions of this kind should come under Govt management, provided the donors or their representatives or other persons responsible for their management administer them Efficiently. But where owing to the death of the donors or other Causes the institutions are not properly managed and the funds of the Charity are not appropriated in furtherance for of the objects which the Creators of

NOTE—Contn. sheet.

the Charitable trust had at least, it is ~~mainly~~ desirable that the Govt on behalf of the public who are beneficially interested in the Charity should intervene and assume control in order that the intentions of the donor may be carried out as nearly as practicable.

The provisions contained in Sec 92 of the C.P.C in regard to suits relating to public charities are generally admitted to be inadequate ~~if not worthless~~ and representations for some kind of legislative action have been frequently made at the Representative Assembly. Govt agree in the view that if the Endowments made by private individuals for the Establishment and upkeep of religious and Charitable organisations are to be ~~kept inviolate~~ preserved for the benefit of the public, measures should be adopted to prevent the misapplication of trust property and the misappropriation of its funds. With this object the present bill has been prepared.

It comprises within its scope

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provisions relating to three classes of institutions of a religious or charitable character, viz:—

(1) Institutions now already under the State Mazrai Dept such as temples, Chattrams etc

(2) Religious or Charitable institutions founded and maintained exclusively by private Charity and

(3) Mathas.

In respect of the institutions referred to in the first of the above classes, the bill besides incorporating certain rules which now regulate the Conduct of the Mazrai Dept in the management of the institutions in its charge, makes provision for certain new matters such as the Constitution of Committees by Election or otherwise for Supervising the affairs of an institution and the Settlement of the mode of succession to the office of Pujari of a temple where the office is claimed by hereditary right. Facilities for the more Efficient management of the properties

NOTE—Contn. sheet.

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belonging to a temple the institutions are also proposed to be related.

In regard to institutions established solely by private Charity the bill provides that Courts or Govt the power of intervening and assuming the management of such institutions where it is proved that the funds of the charity are being grossly mismanaged or misapplied or in certain other similar circumstances.

The institutions are then to be managed as State Muzrai institutions. Govt is also given power to intervene in the case of failure of the objects of the trust and direct that the funds be appropriated towards some other Charitable objects of a similar nature.

In respect of both classes of institutions refd to above, provision is proposed to be taken for the prevention of fraudulent alienation of trust property and for the recovery of certain arrears such as rent of immovable property as if they were arrears of land revenue.

The powers of Govt are to be exercised through a Muzrai officer who shall ordinarily be the Deputy Commr of the District. Persons aggrieved by the order of this officer

NOTE— Contn. sheet.

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eneral and Revenue Secretariat.

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and Encouragement to religious institutions according to the tenets of the Matha. Instead of itself managing the affairs of a Matha Govt. may after framing a scheme of carrying it out delegate the functions to a Committee Constituted for the purpose.

In Certain Cases Govt may also take steps for the appointment of a Mathadhipathi in accordance with Existing usage.

Both Govt & Applicants that the occasions for interference on their part in regard to the management of this class of institutions will always be Exceptional.

Notes on Clauses

Cl 2 (1) The definition of Hindu Institutions given here is what has been generally adopted in the Madras Revenue department of Government, with the addition of other institutions taken over under Govt Management.

Cl. 4 & 8. Clause 4 refers to cases in which it has to be settled whether a public trust has actually been constituted and Cl. 8 to cases in which

NOTE— Contn. sheet.

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such institutions, whereas Cl. 14 refers to inams granted by Govt. The latter provisions enact the rule at present in force, except that 12 years is given as the limit for dispossession. The power of Government to assess such inam lands fully under the inam rules is left intact, as it is not a mere matter. It is a question whether even for dispossession, a longer period than 12 years (30 or 60 years) should not be prescribed.

Cl. 15. There are rules in force about the appointment and functions of dharmadarsis, but it is considered expedient to give them recognition in the Regulation.

Cl. 17, would enable Government, if need be, to constitute district or taluk committees to supervise such institutions.

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Cl. 25 somewhat strictly defines cases in which alone an enquiry may be instituted concerning its affairs.

Cl. 28, 29 & 30 defines the Powers of Govt when it has intervened & assume management of the affairs of such institutions.

Cl. 31 & 35 deal with disputes about Pujari & other Offices, which under an old rule recognised as having the force of law are excluded from the jurisdiction of Civil Courts. Cl. 31 & 32 are rules to regulate procedure, which at present is not uniform.

Which Offices descend by hereditary right are left to be decided by ~~Courts~~ usage, but Cl. 33 supplies a rule where satisfactory (as in many cases) no proof of usage can be adduced

NOTIFICATION.

No. 3—L. C., dated Bangalore, 7th September 1912.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments, is published for general information with a statement of objects and reasons.

By order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

The Mysore Muzrai Bill.

Whereas it is expedient to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. (1) This Regulation shall be called the Mysore Muzrai Regulation; and shall come into force from

Short title and extent.

(2) It extends to the whole of Mysore.

Definitions.

2. (1) 'Muzrai Institution' shall mean and include,—

(i) every temple, mosque, or other place of worship or religious service, any Chatra or house of feeding or rest for travellers without charge, or other institution of a religious and charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public revenues, or an inam has been granted and is recognized and registered at the inam settlement as a *devadaya* grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, has been taken under the sole management of Government, so long as it remains under such management.

(2) 'Muzrai Officer' shall mean the Deputy Commissioner of the district in which the whole or any part of the property of a religious or charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing of any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

Management of a religious or charitable institution by Government.

3. Government may undertake the management of a religious or charitable trust, (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in charge of the institution all expire or disclaim; (3) when there is a breach of trust, or gross and persistent mismanagement or misapplication of the trust property; (4) when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or (5) when the sole beneficiary or all the surviving beneficiaries voluntarily agree to transfer possession and management.

Reference by the Muzrai Officer to District Judge in cases of dispute.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Muzrai Officer may make a reference to the Court of the District Judge in whose jurisdiction the greater part of the institution or property is situated.

Disposal of the reference.

5. The letter of reference shall be registered and disposed of as a suit between the Muzrai Officer as plaintiff and the parties in possession of the property or opposing the contention of the Muzrai Officer as defendants.

Authorisation of persons to file a suit under Section 92 of the C. P. C.

6. Instead of himself making the reference, the Muzrai Officer may authorise any one or more persons to file a suit under the provisions of Section 92 of the Code of Civil Procedure.

Award and apportionment of costs.

7. In disposing of suits and references under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute; provided that no court fees shall be charged in respect of proceedings following on a reference under Section 4.

Enquiry regarding mismanagement of the property of a religious or charitable institution.

8. When it is brought to the notice of the Muzrai Officer that the property of a religious or charitable institution dedicated for the benefit of the public or a defined section of the public is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Order by Muzrai Officer in such cases.

9. If the allegations of gross and persistent mismanagement of the institution or of any property pertaining thereto, or of any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof are proved; the Muzrai Officer may order,

(1) that the institution may be taken under the management of Government;

(2) that property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;

(3) that security may be given for the proper performance of the trust or management of the property;

(4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

Procedure in cases of wrongful alienation of property belonging to a religious or charitable institution.

10. Where property belonging to a religious or charitable institution has been wrongfully alienated by way of sale, barter, mortgage, lease or otherwise within three years before the dispute, the Muzrai Officer may, after giving notice to the alienee and holding a summary enquiry (in accordance with the provisions of the Mysore Land Revenue Code) direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

Failure of the object of trust

11. Where the whole or part of the objects of a charitable or religious trust has failed, the Muzrai Officer may, subject to such general rules or special orders as Government may have issued, after notification in the official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

12. Any person against whom an order has been passed under Sections 9 and 10 directing dispossession of recovery of possession of property or any person who is aggrieved by an order of the Muzrai Officer passed under Section 11 may within six months file a suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate, for cancellation of such order making the Muzrai Officer one of the defendants.

Suit by a person aggrieved by an order passed under Sections 9, 10 and 11.

If no such suit has been filed or if it has been dismissed by the Court, the Muzrai Officer may after the lapse of six months from the date of his original order execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

Provided that in cases in which the property to be disposed of under Section 11 exceeds three thousand rupees in value or the annual income thereof is more than Rs. 300 in value, the sanction of Government shall have been obtained for the order.

13. Government shall have power to make rules directing that persons in charge of charitable or religious institutions shall keep regular accounts of income and expenditure, and submit such returns, and supply such information as may be required in accordance with such rules, and may by said rules prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

Maintenance of accounts by persons in charge of religious or charitable institutions.

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the Muzrai Officer may direct that the property may be resumed and retransferred to the institution for whose benefit the inam was intended, or cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the original institution;

Wrongful alienation of inams granted for the upkeep of religious or charitable institutions.

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

15. Government may appoint Dharmadarsis to manage the affairs of charitable and religious institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business among them.

Appointment of Dharmadarsis.

16. Government may invest Dharmadarsis with the powers, functions and responsibilities of a corporate person, including power to hold and dispose of property and to sue and be sued.

Investment of Dharmadarsis with the powers of a corporate person.

17. Government may also appoint a Committee of persons chosen by election or otherwise with such powers of management and supervision as may be prescribed by rules, over one or more religious or charitable institutions.

Appointment of Committees with powers of management.

18. It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable institution under Sections 15, 16 or 17 or for Government when it manages such an institution, to invest money belonging to the institution and not required for immediate use in any of the following securities, *viz*:—

Investment of trust money.

(*a*) In Promissory Notes, debentures, stock or other securities of the Government of India;

(*b*) In stock or debentures of, or shares in, Railway or other Companies the interest on which shall have been guaranteed by the Government of Mysore;

(*c*) On a first mortgage of immovable property situate in Mysore; provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings, exceeds by three-fourths, the mortgage money; or

(*d*) On any other security expressly authorised by the Instrument of Trust.

Recovery of arrears of rent or revenue due to a Muzrai institution.

19. Arrears of rent or revenue due from tenants in respect of property belonging to a Muzrai institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

Procedure when property is situated in more districts than one.

20. When the property of any religious or charitable institution is situated in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in whose district any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognisance of the whole matter.

Appeals from orders of a Muzrai Officer and revision.

21. Every order passed by a Muzrai Officer which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government in the same manner and subject to the same limitations as appeals lying to Government in cases under the Land Revenue Code and every decree or order passed by a Muzrai Officer may be similarly revised by Government.

Saving of suits under Section 92 of the Civil Procedure Code.

22. Any order passed under this Regulation or the rules framed thereunder by a Muzrai Officer or the Muzrai Department of Government shall not bar a suit under the provisions of Section 92 of the Code of Civil Procedure.

Exemption of Mathas from the operation of the foregoing provisions.

23. The foregoing provisions shall not apply to Mathas or the property belonging to Mathas which are in the possession of Mathadipathis entitled by law or general or particular usage to exercise powers of management or ownership.

When management of Mathas may be assumed by Government.

24. Government may take over the management and possession of the property of any Matha or other institution of a similar nature, (1) when the Mathadipathi voluntarily applies for such help and places the institution or its property under the management of Government; (2) when the Mathadipathi is dead or has left the country and has not been heard of for more than seven years, and has not made legal and satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office; (3) when the Mathadipathi is a minor without a legally appointed guardian, fit and willing to act as such or is for other reasons unable to manage its affairs; or (4) when it is proved that the Mathadipathi has been grossly mismanaging the property or habitually alienating the greater bulk of it for enriching his bodily relations or for other improper purposes; or that he is habitually neglectful of and grossly indifferent to, the duties and responsibilities of his *Ashrama*.

Enquiry into allegations of mismanagement of a Matha.

25. Whenever a complaint is made by at least half the number of house-holders or in cases in which the Matha has a large following, by at least a hundred house-holders subject to its jurisdiction as disciples, of any mismanagement or neglect referred to in the last clause of the previous section, Government may order an enquiry to be held.

Authority before whom the enquiry is to be held.

6. In the case of such institutions as are classed as major Mathas by Government, the enquiry shall be before a Committee of not less than three members appointed by Government and, in other cases, by the Deputy Commissioner.

Execution of orders passed.

27. When the decision of the Committee appointed or of the Deputy Commissioner has been approved by Government, it may be carried out by the Deputy Commissioner of the District in which the institution or the greater part of the property is situated.

28. Where any Matha or other similar institution has come under the management of Government, Government may take such steps as are in accordance with law or usage (1) to appoint a proper Mathadipathi and (2) to fulfil the indispensable functions of the institution till a proper Mathadipathi is nominated in accordance with usage.

Appointment of Mathadipathi by Government.

29. When property of a Matha has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed Mathadipathi in possession; and may make and carry out a scheme either directly by officers appointed or by a committee constituted for the purpose.

Powers of Government in regard to management of a Matha.

30. Government shall also have full power to dispose of the income of the institution as long as it is under its management (after making due provision for the maintenance of the Mathadipathi, for carrying on *Puja* services in temples and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said Matha.

Disposal of income of Matha.

31. When there is a dispute about the office of a Pujari or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar of the Taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Enquiry into the claims to the office of a Pujari or other servant of a Muzrai institution.

32. The Deputy Commissioner or an Assistant Commissioner to whom the record may be referred by the Deputy Commissioner shall, after reading the record of enquiry by the Amildar and hearing the parties interested, pass a decision on the merits of the case.

Decision by Deputy Commissioner or Assistant Commissioner.

33. In the absence of proof to the contrary, no temple office or service in a Muzrai institution shall be deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

No temple office or service in a Muzrai institution to be hereditary, except under certain circumstances.

34. Where there is no claimant entitled to succeed to the office of a Pujari or other office in a Muzrai institution, the appointment shall be made by the Deputy Commissioner in cases of temples under the direct management of the Muzrai Department, or in cases of other temples by the devotees of the temple living in its vicinity under such rules as may from time to time be made by Government.

Appointment of a Pujari or other officer in a Muzrai institution.

35. Where a majority of not less than three-fourths of the inhabitants of a village or other unit, being Bhaktas of a temple, object to the claim by hereditary right of a person to the office of Pujari of the temple, such person shall be set aside either for life or altogether, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

Removal of a Pujari at the instance of Bhaktas.

36. The enquiry referred to in Sections 8, 11, 25 and 26 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding the enquiry shall have all the powers of a Revenue officer empowered to conduct such formal enquiry.

Mode of enquiry referred to in Sections 8, 11, 25 and 26.

37. In all matters is which a Muzrai Officer or the Muzrai Department of Government has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

Bar of jurisdiction of Civil Courts in cases falling under the Regulation.

STATEMENT OF OBJECTS AND REASONS.

The question of devising means for the better management of religious and charitable institutions in the State has been engaging the attention of Government for some time past. The State Muzrai Department has under its control all institutions which enjoy an endowment in any form from the Government. But there are besides, numerous institutions which have sprung up as the result of private charity but over which Government cannot at present exercise any powers of control. Nor is it quite desirable that institutions of this kind should come under Government management, provided the donors or their representatives or other persons responsible for their management administer them efficiently. But where owing to the death of the donors or other causes the institutions are not properly managed and the funds of the charity are not appropriated for the objects which the creators of the charitable trust had at heart, it is desirable that the Government on behalf of the public who are beneficially interested in the charity should intervene and assume control in order that the intentions of the donor may be carried out as nearly as practicable.

The provisions contained in Section 92 of the Civil Procedure Code in regard to suits relating to public charities are generally admitted to be inadequate, and representations for some kind of legislative action have been frequently made at the Representative Assembly. Government agree in the view that if the endowments made by private individuals for the establishment and up-keep of religious and charitable organisations are to be preserved for the benefit of the public, measures should be adopted to prevent the misapplication of trust property and the misappropriation of its funds. With this object the present bill has been prepared.

It comprises within its scope provisions relating to three classes of institutions of a religious or charitable character, *viz* :—

(1) Institutions already under the State Muzrai Department such as temples, chatras, etc.

(2) Religious or charitable institutions founded and maintained exclusively by private charity, and

(3) Mathas.

In respect of the institutions referred to in the first of the above classes, the Bill besides incorporating certain rules which now regulate the conduct of the Muzrai Department in the management of the institution in its charge, makes provision for certain new matters such as the constitution of Committees by election or otherwise for supervising the affairs of an institution and the settlement of the mode of succession to the office of pujari of a temple where the office is claimed by hereditary right. Facilities for the more efficient management of the properties belonging to the institutions are also prepared to be created.

In regard to institutions established solely by private charity the Bill confers on Government the power of intervening and assuming the management of such institutions where it is proved that the funds of the charity are being grossly mismanaged or misapplied or in certain other similar circumstances. The institutions are then to be managed as State Muzrai institutions. Government is also given power to intervene in the case of failure of the object of a trust and direct that the funds be appropriated towards some other charitable object of a similar nature.

In respect of both classes of institutions referred to above, power is proposed to be taken for the prevention of fraudulent alienation of trust property and for the recovery of certain arrears, such as rent of immovable property, as if they were arrears of land revenue.

The powers of Government are to be exercised through a Muzrai Officer who shall ordinarily be the Deputy Commissioner of the district. Persons aggrieved by an order of this officer may in certain cases contest their validity by a suit in a Civil Court and in all other cases the Muzrai Officer's action is subject to appeal and revision just like orders passed by a Revenue Officer under the Land Revenue Code. Civil Courts shall exercise jurisdiction in these matters only to the extent allowed by the Bill.

The third class of cases refers to Hindu Mathas. It is well known that though these institutions are of the nature of public trusts, their duly elected heads for the time being, have always enjoyed much larger powers than mere trustees. It is therefore considered unnecessary to provide that Goverument should have the same powers of interference in their affairs as in those of temples and other similar institutions. Instances, however, have come under the notice of Government, where the affairs of such institutions have been grossly and persistently mismanaged and the heads of the institutions have conducted themselves in a manner repugnant to the sentiments of the disciples. It is therefore proposed to take power in the Bill on behalf of Government to assume the management of the properties belonging to such institutions and to provide for the conduct, in accordance with usage, of the puja and other services and to dispose of the balance of the income, if any, or objects of charity or for the spread and encouragement of religious instruction according to the tenets of the Matha.

Instead of itself managing the affairs of a Matha Government may after framing a scheme delegate the function of carrying it out to a Committee constituted for the purpose.

In certain cases Government may also take steps for the appointment of a Mathadhipati in accordance with existing usage. Government hope that the occasions for interference on their part in regard to the management of this class of institutions will always be exceptional.

Notes on Clauses.

Clause 2.—The definition of " Muzrai Institution " given here is what has been generally adopted in the Muzrai Department of Government, with the addition to it of other institutions taken over under Government management.

Clauses 4 and 8.—Clause 4 refers to cases in which it has to be settled whether a public trust has actually been constituted, and clause 8 to cases in which the constitution of the trust is not disputed but gross and persistent mismanagement is alleged.

Clause 5.—When such references are disposed of as suits in a Civil Court, the decisions become subject to appeal and revision under the provisions of the Civil Courts Regulation and the Code of Civil Procedure.

Clause 7.—This provision would enable a Court to award costs at discretion even against the Muzrai Officer.

Clause 9.—Gives very wide powers to a Muzrai Officer similar to those which a Civil Court under rules of equitable jurisdiction and otherwise may now exercise.

Clause 10.—Refers to any property of such institutions, whereas clause 14 refers to inams granted by Government. The latter provisions enact the rule at present in force, except that 12 years is given as the limit for dispossession. The power of Government to assess such inam lands fully under the inam rules is left intact, as it is not a Muzrai matter. It is a question whether even for dispossession, a longer period than 12 years (30 or 60 years) should not be prescribed.

Clause 15.—There are rules in force about the appointment and functions of dharmadarsis, but it is considered expedient to give them recognition in the Regulation.

Clause 17.—Would unable Government, if need be, to constitute district or taluk committees to supervise such institutions.

Clause 18.—Provides a general rule for investment of money belonging to these institutions and is similar to rules recognised in enactments, etc., dealing with the administration of trust properties.

Clause 19.—Creates a power which has often been felt to be a *desideratum* in respect of property under the management of Government. This would be applicable to cases in which such management has also been entrusted to dharmadarsis appointed by Government.

Clauses 23—30.—Refer to Mathas and other similar institutions.

Clause 24.—Defines the circumstances in which Government may interfere in respect of management of a Matha and clause 25 somewhat strictly defines cases in which alone an enquiry may be initiated concerning its affairs.

Clauses 28, 29 and 30.—Define the powers of Government when it has intervened to assume management of the affairs of such institutions.

Clauses 31 to 35.—Deal with disputes about pujari and other offices, which, under an old rule recognized as having the force of law, are excluded from the jurisdiction of Civil Courts. Clauses 31 and 32 are rules to regulate procedure, which at present is not uniform. What offices descend by hereditary right are left to be decided by usage, but clause 33 supplies a rule where (as in many cases) no satisfactory proof of usage can be adduced.

Clause 34.—Allows Government to empower persons interested in temples to elect the office bearers.

Clause 35.—Introduces a somewhat novel rule and empowers devotees of temples to set aside hereditary claims by paying compensation. The justification for such compulsory acquisition lies in the fact that temples are primarily meant to serve as places of worship and would become useless if the pujari or the chief officiating priest ceases to have the respect and confidence of the majority of devotees.

Clause 36.—Applies the Land Revenue Code and Rules to enquiries held under the Regulation and

Clause 37.—Limits the jurisdiction of Civil Courts in matters dealt with in the Regulation.

NOTIFICATION.

No. 80—L. C., dated Bangalore, 18th August 1913.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee appointed to consider the Mysore Muzrai Bill, together with the Bill as amended by them, is published for general information.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Mysore Muzrai Bill.

We, the members of the Select Committee appointed to consider the Mysore Muzrai Bill, have the honor to submit the following report to the Council with the Bill as amended by us, annexed hereto.

We did not receive any representations from the public with regard to the Bill. We have examined the provisions of the Bill carefully and have also taken into consideration the criticisms that appeared in the Press regarding the same.

Clause 3 of the Bill.—Sub-clause 3 of this clause refers to a class of cases quite distinct from the other cases mentioned therein inasmuch as in all the latter cases Government steps in either at the desire of the persons interested or in the absence of a legally competent manager.

As clauses 8 and 9 of the Bill treat of questions of breach of trust and mismanagement in sufficient detail, sub-clause 3 is omitted here.

Clause 8.—This clause has been recast so as to make the provision applicable as well to a mismanagement of the institution as to mismanagement of its property.

Clause 10.—We have inserted a provision that the period of three years within which the Muzrai officer may take action under this clause shall be the period immediately preceding the date of issuing a notice under the section as the words in the clause as it stands, *viz.*, "before the dispute" are somewhat vague.

Clause 12.—For the sake of greater clearness the words "from the date of such order" have been inserted after the words "within six months."

Clause 13.—This clause has been recast and a new provision inserted in it. As it stands now, rules can be framed directing persons in charge of religious or charitable institutions to keep regular accounts of income and expenditure, submit such returns and supply such information as may be prescribed. These provisions will not be efficacious without a power given to some authority to inspect the accounts and verify them if necessary.

Accordingly, inspection and verification of the accounts have also been provided for. The clause as recast will read as follows :—

"13. Government shall have power to make rules directing that person in charge of religious or charitable institutions shall—

(*a*) keep regular accounts of income and expenditure and submit such returns,

(*b*) supply such information as may be required, and

(*c*) allow such inspection and verification as may be necessary :

and may, by said rules, prescribe a penalty not exceeding one hundred rupees for any infraction thereof."

Clause 14.—The words "after due enquiry" has been added after the words "the Muzrai officer may."

The point whether the period of prescription referred to in the proviso to this clause should be only 12 years or whether it should be longer, say 30 years, was discussed. The conclusion arrived at though with some diffidence was that it was unnecessary to give a longer period of limitation for evicting persons in adverse possession.

The powers conferred by this clause on Muzrai officers are analogous to the powers vested in the revenue authorities under the Inam Rules (*Vide* Chief Commissioner's Notification No. 266, dated the 17th November 1877). It is not intended by this clause in any way to alter, modify or interfere with the provisions contained in the Inam Rules.

Clause 18.—We have made a few changes in this clause to supply some omissions and to make it more comprehensive. It has been made clear that the investment of trust-money shall be in the securities noted therein and in no others The securities of the Government of Mysore which had been omitted by inadvertence have also been included in sub-clause (*a*) of this clause. In sub-clause (*b*) we have included deposits also in addition to stocks, etc., and omitted the last portion under which the companies shall be only those where the interest on shares, etc., is guaranteed by the Government of Mysore. This limitation was considered somewhat too narrow and so we have provided that the railway or other companies referred to in this sub-clause should be those approved by Government. In sub-clause (*d*) provision is made for other securities approved by Government in addition to those expressly authorized by the Instrument of Trust.

Clause 20.—The words "or difference" have been inserted after "in cases of doubt."

Clause 21.—We have split this into two separate clauses, the one dealing with appeals and the other with revision. With regard to appeals we have provided that where an order is passed by an Assistant Commissioner as Muzrai officer, an appeal against such order shall lie to the Deputy Commissioner.

Clause 23.—In this and the succeeding clauses wherever the words "Mathas" or "Mathadhipathis" occur, certain words have been inserted to indicate that the provisions apply also to institutions similar to mathas and persons similar to mathadhipathis in charge or having the control, of such institutions.

Clause 24.—On the analogy of clause 3 of the Bill, we have confined this clause only to the cases of voluntary agreement to transfer management of property or of the absence of or inability of the head of the institution to manage the property, making provision for cases of mismanagement in the succeeding clause. Sub-clause (4) has therefore been omitted.

In sub-clause (3) of this clause in lieu of the indefinite expression "for other reasons" we have inserted the words "by reason of physical or mental infirmity."

Clause 25.—The substantive provision relating to the mismanagement of the property of a matha which was omitted from clause 24 has been inserted in this clause. The committee have devoted careful consideration to the question as to the circumstances that would justify the starting of an enquiry into the management of the property of a matha. They are of opinion that such an enquiry may

be started only when the property of the matha has been grossly mismanaged or the greater part of it alienated for improper purposes but that Government should not interfere in the case of habitual neglect or indifference of that head of the matha to the duties and responsibilities of the Asrama. They feel that any necessary action in this matter which pertains more to the spiritual functions of the heads of mathas should be taken by the disciples or others affected thereby.

Clause 26.—We have made an imporant change in this clause. We are of opinion that the enquiry contemplated by this clause should be before a Committee of not less than three members in all cases, whether the mathas concerned are major or minor.

Clause 27.—This clause has been slightly recast so as to empower Government to pass such orders as may be deemed fit concerning the affairs and the property of the institution.

Clause 28.—Considerable criticism has been directed in the Press against the provision made in this clause that Government may take such steps as are in accordance with law or usage to appoint a proper mathadhipati. The interpretation put upon this that Government would themselves nominate a mathadhipathi is based upon an entire misapprehension of its scope. What was intended to be conveyed by that provision was that Government would take necessary steps to have proper mathadhipathis appointed in the usual way. As however, the retention of this provision is likely to cause misunderstanding the Committee have restricted the scope of this clause considerably. As revised by us, the clause provides for Government taking the necessary step in the cases contemplated in sub-clause (2) of clause 25 to fulfil the indispensible functions of the institution till a proper mathadhipathi is appointed in accordance with law or usage.

Clause 34.—We have made it clear that the other temples referred to in this clause are those dedicated to the public or a section of the public.

Clause 35.—We have recast this clause as follows :—

> "Where a majority of not less than three-fourths of the inhabitants of a village or other unit, being devotees of a temple, object to the employment as Pujari of a person claiming by hereditary right, such person shall be set aside provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzari officer."

Clause 36.—The enquiry referred to in clause 14 has also been included in this clause.

The other changes made by us are merely verbal and call for no explanation.

We have divided the Bill into Chapters for purposes of convenience.

As the Bill has been amended by us in important particulars, we recommend that it may be re-published in the Gazette and passed into law in due course.

BANGALORE,
18th August 1913.

H. V. NANJUNDAYYA.

C. SRIKANTESVARA AIYAR.

C. SREENIVASIENGAR

K. P. PUTTANNA CHETTY.

SYED AMIR HASSAN.

S. SEETARAMAIYA.

NOTE.—Mr. A. Rangaswami Iyengar who was also a member of the Select Committee was not present at the meeting.

The Mysore Muzrai Bill.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Committee.]

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

Preliminary.

Short title and extent.

1. (1) This Regulation shall be called the Mysore Muzrai Regulation; and shall come into force from

(2) It extends to the whole of Mysore.

Definitions.

2 (1) 'Muzrai Institution' shall mean and include—

(i) every temple, mosque, or other place of worship or religious service, any Chatra or house of feeding or rest for travellers without charge, or other institution of a religious [and] *or* charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public revenues, or an inam has been granted and is recongnized and registered at the inam settlement as a devadaya *or dharmadaya* grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, has been taken under the sole management of Government, so long as it remains under such management.

(2) 'Muzai Officer' shall mean the Deputy Commissioner of the District in which the whole or any part of the property of a religious or charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing of any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

CHAPTER II.

Provisions relating to Religious and Charitable Institutions.

Management of a religious or charitable institution by Government.

3. Government may undertake the management of a religious or charitable trust, (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in charge of the institution all expire or disclaim; [(3) when there is a breach of trust, or gross and persistent mismanagement or misapplication of the trust property; (4)] *(3)* when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or [(5)] *(4)* when the sole beneficiary or all the surviving beneficiaries voluntarily agree to transfer possession and management.

Reference by the Muzrai officer to District Judge in cases of dispute.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Muzrai officer may make a reference to the Court of the District Judge in whose jurisdiction the greater part of the institution or property is situated.

Disposal of the reference.

5. The letter of reference shall be registered and disposed of as a suit between the Muzrai officer as plaintiff and the parties in possession of the property or opposing the contention of the Muzrai officer as defendants.

Authorisation of persons to file a suit under Section 92 of the C. P. C.

6. Instead of [himself] making the reference, the Muzrai officer may authorise any one or more persons to file a suit under the provisions of Section 92 of the Code of Civil Procedure.

Award and apportionment of costs.

7. In disposing of *references and* suits [and references] under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute: Provided that no Court fees shall be charged in respect of proceedings following on a reference under Section 4.

Enquiry regarding mismanagement of the property of a religious or charitable institution.

8. When it is brought to the notice of the Muzrai officer that [the property of a] *any* religious or charitable institution dedicated for the benefit of the public or a defined section of the public *or any property pertaining thereto* is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Order by Muzrai officer in such cases.

9. If [the allegations of gross and persistent] *it is proved that there has been gross and persistent* mismanagement of the institution or of any property pertaining thereto, or [of] any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof [are proved]; the Muzrai officer may order—

(1) that the institution may be taken under the management of Government;

(2) that *the* property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;

(3) that security may be given for the proper performance of the trust or management of the property;

(4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

Procedure in cases of wrongful alienation of property belonging to a religious or charitable institution.

10. Where property belonging to a religious or charitable institu ion has been, wrongfully alienated by way of sale, barter, mortgage, lease or otherwise within three years before the [dispute] *date of issuing a notice under this section*, the Muzrai officer may, after giving notice to the alienee and holding a summary enquiry in accordance with the provisions of the Mysore Land Revenue Code, direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

Failure of the object of trust.

11. Where the whole or part of the objects of a *religious or* charitable [or religious] trust has failed, the Muzrai officer may, subject to such general rules or special orders as Government may have issued, after notification in the official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

Suit by a person aggrieved by an order passed under Sections 9, 10 and 11.

12. Any person against whom an order has been passed under Sections 9 and 10 directing dispossession [of] *or* recovery of possession of property or any person who is aggrieved by an order of the Muzrai officer passed under Section 11 may within six months *from the date of such order* file a suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate, for cancellation of such order making the Muzrai officer one of the defendants.

If no such suit has been filed or if it has been, dismissed by the Court, the Muzrai officer may after the lapse of six months from the date of his original order execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

Provided that in cases in which the property to be disposed of under Section 11 exceeds three thousand rupees in value or the annual income thereof is more than Rs. 300 in value, the sanction of Government shall have been obtained for the order.

[13. Government shall have power to make rules directing that persons in charge of charitable or religious institutions shall keep regular accounts of income and expenditure, and submit such returns, and supply such information as may be required in accordance with such rules, and may by said rules prescribe a penalty not exceeding one hundred rupees for any infraction thereof.]

Maintenance of accounts by persons in charge of religious or charitable institutions.

Power to make rules for the maintenance of accounts, etc., by persons in charge of religious or charitable institutions.

13. *Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall —*

(*a*) *keep regular accounts of income and expenditure,*

(*b*) *submit such returns and supply such information as may be necessary,*

(*c*) *allow such inspection and verification as may be necessary*:

And may, by said rules prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the Muzrai officer may *after enquiry* direct that the property may be resumed and re-transferred to the institution for whose benefit the inam was intended, or *may* cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the original institution;

Wrongful alienation of inams granted for the upkeep of religious or charitable institutions.

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

15. Government may appoint Dharmadarsis to manage the affairs of [charitable and] religious *or charitable* institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business among them.

Appointment of Dharmadarsis.

16. Government may invest Dharmadarsis with the powers, functions and responsibilities of a corporate person, including power to hold and dispose of property and to sue and be sued.

Investment of Dharmadarsis with the powers of a corporate person.

17. Government may also appoint a committee of persons chosen by election or otherwise with such powers of management and supervision as may be prescribed by rules, over one or more religious or charitable institutions.

Appointment of Committees with powers of management.

18. It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable institution [under Sections 15, 16 or 17 or for Government when it manages such an institution,] to invest money belonging to the institution and not required for immediate use [in] *on* any of the following securities, *and on no others, viz.*:—

Investment of trust money.

(*a*) In Promissory Notes, debentures, stock or other securities of the Government of India *or Mysore*;

(*b*) In stock or debentures of, or shares *or as deposits* in, Railway or other Companies [the interest on which shall have been guaranteed by the Government of Mysore] *approved by Government*;

(*c*) On a first mortgage of immovable property situate in Mysore; provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings exceeds by three-fourths, the mortgage money; or

(*d*) On any other security expressly authorised by the Instrument of Trust *or approved by Government.*

Recovery of arrears of rent or revenue due to a Muzrai institution.

19. Arrears of rent or revenue due from tenants in respect of property belonging to a Muzrai institution may be recoverd by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

Procedure when property is situated in more districts than one.

20. When the property of any religious or charitable institution is situated in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in whose district any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt *or difference*, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognizance of the whole matter.

Appeals from orders of a Muzrai officer and revision.

[21. Every order passed by a Muzrai officer which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government in the same manner and subject to the same limitations as appeals lying to Government in cases under the Land Revenue Code and every decree or order passed by a Muzrai officer may be similarly revised by Government.]

Appeals from orders of a Muzrai officer.

21. Every order passed under this Regulation which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government—where the order has been passed by a Deputy Commissioner—and to the Deputy Commissioner—where it has been passed by an Assistant Commissioner—in the same manner and subject to the same limitations as appeals under the Land Revenue Code.

Revision.

22. Every order passed by a Muzrai officer either in an original case or on appeal shall be subject to revision by Government.

Saving of suits under Section 92 of the Civil Procedure Code.

[22]. *23.* Any order passed under this Regulation or the rules framed thereunder by a Muzrai officer or [the Muzrai Department of] *by* Government shall not bar a suit under the provisions or Section 92 of the Code of Civil Procedure.

CHAPTER III.

Provisions relating to Mathas or similar Institutions.

Exemption of Mathas from the operation of the foregoing provisions.

[23]. *24.* The foregoing provisions shall not apply to Mathas *or other institutions of a similar nature* or the property belonging to [Mathas] *them* which are in the possession of Mathadipathis *or other persons* entitled by law or general or particular usage to exercise powers of management or ownership.

When management of Mathas may be assumed by Government.

[24]. *25.* Government may take over the management and possession of the property of any Matha or other institution of a similar nature (1) when the Mathadipathi *or other head of the institution* voluntarily applies for such help and places the institution or its property under the management of Government; (2) when [the Mathadipathi] *he* is dead or has left the country and has not been heard of for more than seven years, and has not made legal and satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office; (3) when [the Mathadipathi] *he* is a minor without a legally appointed guardian, fit and willing to act as such or is [for other reasons] *by reason of physical or mental infirmity* unable to manage *the affairs of the Matha or other institution* [its affairs; or (4) when it is proved that the Mathadipathi has been

grossly mismanaging the property or habitually alienating the greater bulk of it for enriching his bodily relations or for other improper purposes; or that he is habitually neglectful of and grossly indifferent to, the duties and responsibilities of his *Asrama.*]

Enquiry into allegations of mismanagement of Matha.

[25. Whenever a complaint is made by at least half the number of house-holders or in cases in which the Matha has a large following, by at least a hundred house-holders subject to its jurisdiction as disciples, of any mismanagement or neglect referred to in the last clause of the previous section, Government may order an enquiry to be held.]

Enquiry into allegations of mismanagement of a Matha or other institution.

26. Whenever a complaint is made by at least half the number of house-holders, or in cases in which the Matha or other institution has a large following, by at least a hundred house-holders, subject to its jurisdiction as disciples, that the Mathadipathi or the head of the institution has been grossly mismanaging the property or alienating the bulk of it for enriching his bodily relations or for other improper purposes; Government may order an enquiry.

Authority before whom the enquiry is to be held.

[26]. *27.* [In the case of such institutions as are classed as major Mathas by Government, the] *Such* enquiry shall be before a Committee of not less than three members appointed by Government [and, in other cases, by the Deputy Commissioner.] *in each case.*

Execution of orders passed.

[27]. *28.* When the decision of the Committee [appointed or of the Deputy Commissioner] has been approved by Government, [it may be carried out by the Deputy Commissioner of the District in which the institution or the greater part of the property is situated] *Government may pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.*

Appointment of Mathadhipathi by Government.

[28]. *29.* Where any Matha or other similar institution has come under the management of Government *under clause (2) of Section 25*, Government may take such steps as are *necessary* [in accordance with law or usage (1) to appoint a proper Mathadipathi and (2)] to fulfil the indispensable functions of the institution till a proper Mathadipathi is nominated in accordance with *law or* usage.

Powers of Government in regard to management of a Matha.

[29]. *30.* When property of a Matha *or other similar institution* has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed Mathadipathi *or other head of the institution* in possession; and may make and carry out a scheme either directly by officers appointed or by a Committee constituted for the purpose.

Disposal of income of [Matha] *institution.*

[30]. *31.* Government shall also have full power to dispose of the income of the institution as long as it is under its management (after making due provision for the maintenance of the Mathadipathi *or other head of the institution*, for carrying on [*Puja*] services in temples and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said [Matha] *institution.*

CHAPTER IV.

Pujaris and other hereditary Temple servants.

Enquiry into the claims to the office of a Pujari or other servant of a Muzrai institution.

[31]. *32.* When there is a dispute about the office of a Pujari or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar of the taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

[32]. *33.* [The Deputy Commissioner or an Assistant Commissioner to whom the record may be referred by the Deputy Commissioner] *The Muzrai officer* shall, after reading the record of enquiry by the Amildar and hearing the parties interested, pass a decision on the merits of the case.

Decision by Deputy Commissioner or Assistant Commissioner.

[33]. *34.* In the absence of proof to the contrary, no [temple] office or service in a Muzrai institution shall be deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

No temple office or service in a Muzrai institution to be hereditary, except under certain circumstances.

[38]. *35.* Where there is no claimant entitled to succeed to the office of a Pujari or other office in a [Muzrai institution] *temple or other place of worship*, the appointment shall be made by the [Deputy Commissioner] *Muzrai Officer* in cases of [temples] *institutions* under the direct management of the Muzrai Department, or in cases of other [temples] *institution dedicated to the public or a section of the public* by the devotees of the [temple] *institution* living in its vicinity under such rules as may from time to time be made by Government.

Appointment of a Pujari or other officer in a Muzrai institution.

[35. Where a majority of not less than three-fourths of the inhabitants of a village or other unit, being Bhaktas of a temple, object to the claim by hereditary right of a person to the office of Pujari of the temple, such person shall be set aside either for life or altogether, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai officer.]

Removal of a Pujari at the instance of Bhaktas.

36. Where a majority of not less than three-fourths of the inhabitants of a village or other unit being devotees of a temple object to the employment as Pujari of a person claiming by hereditary right, such person shall be set aside provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzari officer.

Removal of a Pujari at the instance of Bhaktas.

CHAPTER V.

Miscellaneous.

[36]. *37.* The enquiry referred to in Sections, 8, 11, 14, [25] *26* and [26] *27* shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai officer or other person or persons holding the enquiry shall have all the powers of a revenue officer empowered to conduct such formal enquiry.

Mode of enquiry referred to in Sections 8, 11, 14, [25] *26* and [26] *27*.

[37]. *38.* In all matters in which a Muzrai officer or [the Muzrai Department of] Government has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

Bar of jurisdiction of Civil Courts in cases falling under the Regulation.

W. D. 117—GPB—18-8-15—100

G.R.S. 28]

23/10

Legis: File No. 38-11
Serial No. 3

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

READ—

, the 19

Date of issue 21 · 10 · 13

Signed by W. S. Rajagopala Char

ORDER ~~THEREON~~.—No. J 1234
Ordered that the accompanying Regulation F (The Mysore Muzrai Regulation) which received the assent of His Highness the Maharaja on

over.

SUBJECT.

GPB—10,000 - 29-9-10

the 11th October 1913 be
as Regn No VII of 1913
published in Part III of
the Mysore Gazette in English
and Kannada.

By order

S/R

for Secretary to Govt

To

The Compiler Mysore Gazette

for publication in the Mysore

Gazette in English and Kannada

and for supplying to this

Office 200 spare copies in

English and 200 in Kannada

and 100 spare copies in

English and 100 in Kannada

to the Curator, Govt Central

Book Depot Bangalore.

Proof should be sent

to the Judicial Branch at

Head Quarters for correction

before publication.

REGULATION No. VI OF 1913.

THE MYSORE MUZRAI REGULATION.

(Received the assent of His Highness the Maharaja on the 11th day of October 1913.)

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

Preliminary.

Short title and extent.

1. (1) This Regulation shall be called the Mysore Muzrai Regulation, 1913; and shall come into force from 1st January 1914.

(2) It extends to the whole of Mysore.

Definitions.

2. (1) 'Muzrai Institution' shall mean and include—

(i) every temple, mosque, or other place of worship or religious service, any *Chatra* or house of feeding or rest for travellers without charge, or other institution of a religious or charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public revenues, or an inam has been granted and is recognized and registered at the inam settlement as a *devadaya* or dharmadaya grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, has been taken under the sole management of Government, so long as it remains under such management.

(2) 'Muzrai Officer' shall mean the Deputy Commissioner of the District in which the whole or any part of the property of a religious or charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing of any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

CHAPTER II.

Provisions relating to Religious and Charitable Institutions.

Management of a religious or charitable institution by Government.

3. Government may undertake the management of a religious or charitable trust, (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in charge of the institution all expire or disclaim; (3) when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or (4) when the sole beneficiary or all the surviving beneficiaries voluntarily agree to transfer possession and management.

Reference by the Muzrai Officer to District Judge in cases of dispute.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Muzrai Officer may make a reference to the Court of the District Judge in whose jurisdiction the greater part of the institution or property is situated.

Disposal of the reference.

5. The letter of reference shall be registered and disposed of as a suit between the Muzrai Officer as plaintiff and the parties in possession of the property or opposing the contention of the Muzrai Officer as defendants.

Authorisation of persons to file a suit under Section 92 of the C. P. C.

6. Instead of making the reference, the Muzrai Officer may authorise any one or more persons to file a suit under the provisions of Section 92 of the Code of Civil Procedure.

Award and apportionment of costs.

7. In disposing of references and suits under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute: Provided that no Court fees shall be charged in respect of proceedings following on a reference under Section 4.

Enquiry regarding mismanagement of the property of a religious or charitable institution.

8. When it is brought to the notice of the Muzrai Officer that any religious or charitable institution dedicated for the benefit of the public or a defined section of the public or any property pertaining thereto is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Order by Muzrai Officer in such cases.

9. If it is proved that there has been gross and persistent mismanagement of the institution or of any property pertaining thereto, or any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof; the Muzrai Officer may order-

(1) that the institution may be taken under the management of Government;

(2) that the property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;

(3) that security may be given for the proper performance of the trust or management of the property;

(4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

Procedure in cases of wrongful alienation of property belonging to a religious or charitable institution.

10. Where property belonging to a religious or charitable institution has been wrongfully alienated by way of sale, barter, mortgage, lease or otherwise within three years before the date of issuing a notice under this section, the Muzrai Officer may, after giving notice to the alienee and holding a summary enquiry in accordance with the provisions of the Mysore Land Revenue Code, direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

Failure of the object of trust.

11. Where the whole or part of the objects of a religious or charitable trust has failed, the Muzrai Officer may, subject to such general rules or special orders as Government may have issued, after notification in the official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

Suit by a person aggrieved by an order passed under Sections 9, 10 and 11.

12. Any person against whom an order has been passed under Sections 9 and 10 directing dispossession or recovery of possession of property or any person who is aggrieved by an order of the Muzrai Officer passed under Section 11 may, within six months from the date of such order, file a

suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate, for cancellation of such order, making the Muzrai Officer one of the defendants.

If no such suit has been filed or if it has been dismissed by the Court, the Muzrai Officer may, after the lapse of six months from the date of his original order, execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

Provided that in cases in which the property to be disposed of under Section 11 exceeds rupees three thousand in value or the annual income thereof is more than rupees three hundred in value, the sanction of Government shall have been obtained for the order.

Power to make rules for the maintenance of accounts, etc., by persons in charge of religious or charitable institutions.

13. Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall—

(*a*) keep regular accounts of income and expenditure,

(*b*) submit such returns and supply such information as may be necessary,

(*c*) allow such inspection and verification as may be necessary:

And may, by said rules, prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

Wrongful alienation of inams granted for the upkeep of religious or charitable institutions.

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the Muzrai Officer may, after enquiry, direct that the property may be resumed and re-transferred to the institution for whose benefit the inam was intended, or may cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the original institution;

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

Appointment of *Dharmadarsis*.

15. Government may appoint *Dharmadarsis* to manage the affairs of religious or charitable institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business among them.

Investment of *Dharmadarsis* with the powers of a corporate person.

16. Government may invest *Dharmadarsis* with the powers, functions and responsibilities of a corporate person, including power to hold and dispose of property and to sue and be sued.

Appointment of Committees with powers of management.

17. Government may also appoint a Committee of persons chosen by election or otherwise with such powers of management and supervision as may be prescribed by rules, over one or more religious or charitable institutions.

Investment of trust money.

18. It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable institution to invest money belonging to the institution and not required for immediate use on any of the following securities, and on no ers, *viz.*:—

(*a*) In promissory Notes, debentures, stock or other securities of the Government of India or Mysore;

(*b*) In stock or debentures of, or shares or as deposits in, Railway or other Companies approved by Government;

(*c*) On a first mortgage of immovable property situate in Mysore; provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings exceeds by three-fourths, the mortgage money; or

(*d*) On any other security expressly authorised by the Instrument of Trust or approved by Government.

Recovery of arrears of rent or revenue due to a Muzrai institution.

19. Arrears of rent or revenue due from tenants in respect of property belonging to a Muzrai institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

Procedure when property is situated in more districts than one.

20. When the property of any religious or charitable institution is situated in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in whose district any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt or difference, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognizance of the whole matter.

Appeals from orders of a Muzrai Officer.

21. Every order passed under this Regulation which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government—where the order has been passed by a Deputy Commissioner—and to the Deputy Commissioner—where it has been passed by an Assistant Commissioner—in the same manner and subject to the same limitations as appeals under the Land Revenue Code.

Revision

22. Every order passed by a Muzrai Officer either in an original case or on appeal shall be subject to revision by Government.

Saving of suits under Section 92 of the Civil Procedure Code.

23. Any order passed under this Regulation or the rules framed thereunder by a Muzrai Officer or by Government shall not bar a suit under the provisions of Section 92 of the Code of Civil Procedure.

CHAPTER III.

Provisions relating to Mathas or similar institutions.

Exemption of *Mathas* from the operation of the foregoing provisions.

24. The foregoing provisions shall not apply to *Mathas* or other institutions of a similar nature or the property belonging to them which are in the possession of *Mathadhipathis* or other persons entitled by law or general or particular usage to exercise powers of management or ownership.

When management of *Mathas* may be assumed by Government.

25. Government may take over the management and possession of the property of any *Matha* or other institution of a similar nature (1) when the *Mathadhipathi* or other head of the institution voluntarily applies for such help and places the institution or its property under the management of Government; (2) when he is dead or has left the country and has not been heard of for more than seven years, and has not made legal and satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office; (3) when he is a minor without a legally appointed guardian, fit and willing to act as such or is by reason of physical or mental infirmity unable to manage the affairs of the *Matha* or other institution.

Enquiry into allegations of mismanagement of a *Matha* or other institution.

26. Whenever a complaint is made by at least half the number of house-holders, or in cases in which the *Matha* or other institution has a large following, by at least a hundred house-holders, subject to its jurisdiction as disciples, that the *Mathadhipathi* or the head of the

institution has been grossly mismanaging the property or alienating the bulk of it for enriching his bodily relations or for other improper purposes, Government may order an enquiry.

Authority before whom the enquiry is to be held.

27. Such enquiry shall be before a Committee of not less than three members appointed by Government in each case.

Execution of orders passed.

28. When the decision of the Committee has been approved by Government, Government may pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.

Appointment of *Mathadhipathi* by Government.

29. Where any *Matha* or other similar institution has come under the management of Government under clause (2) of Section 25, Government may take such steps as are necessary to fulfil the indispensable functions of the institution till a proper *Mathadhipathi* is nominated in accordance with law or usage.

Powers of Government in regard to management of a *Matha*.

30. When property of a *Matha* or other similar institution has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed *Mathadhipathi* or other head of the institution in possession; and may make and carry out a scheme either directly by Officers appointed or by a Committee constituted for the purpose.

Disposal of income of institution.

31. Government shall also have full power to dispose of the income of the institution as long as it is under its management (after making due provision for the maintenance of the *Mathadhipathi* or other head of the institution, for carrying on services in temples and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said institution.

CHAPTER IV.

Pujaris and other hereditary temple servants.

Enquiry into the claims to the office of a *Pujari* or other servant of a Muzrai institution.

32. When there is a dispute about the office of a *Pujari* or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar of the Taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Decision by Deputy Commissioner or Assistant Commissioner.

33. The Muzrai Officer shall, after reading the record of enquiry by the Amildar and hearing the parties interested, and after making such further enquiry as he thinks necessary, pass a decision on the merits of the case.

No temple office or service in a Muzrai institution to be hereditary; except under certain circumstances.

34. In the absence of proof to the contrary, no office or service in a Muzrai institution shall be deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

Appointment of a *Pujari* or other officer in a Muzrai institution.

35. Where there is no claimant entitled to succeed to the office of a *Pujari* or other office in a temple or other place of worship, the appointment shall be made by the Muzrai Officer in cases of institutions under the direct management of the Muzrai Department, or in cases of other institutions dedicated to the public or a section of the public by the devotees of the institution living in its vicinity under such rules as may from time to time be made by Government.

Removal of a *Pujari* at the instance of *Bhaktas*.

36. Where a majority of not less than three-fourths of the inhabitants of a village or other unit being devotees of a temple object to the employment as *Pujari* of a person claiming by hereditary right, such person shall be set aside provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

CHAPTER V.

Miscellaneous.

Mode of enquiry referred to in Sections 8, 11, 14 and 27.

37. The enquiry referred to in Sections 8, 11, 14 and 27 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding the enquiry shall have all the powers of a revenue officer empowered to conduct such formal enquiry.

Bar of jurisdiction of Civil Courts in cases falling under the Regulation.

38. In all matters in which a Muzrai Officer or Government, has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

M. VISVESVARAYA,
Dewan.